

## I. AMENDMENTS

### **A. Claims**

1. **(Original)** A remote distribution cabinet comprising:  
at least one panelboard having a plurality of circuit breakers;  
a plurality of structural members attached to the panelboard, thereby forming a frame structure including the panelboard; and  
a bottom member attached to the structural members.
2. **(Original)** The remote distribution cabinet of claim 1 wherein the bottom member is sized to allow the remote distribution cabinet to fit within a raised floor tile space.
3. **(Original)** The remote distribution cabinet of claim 2 further comprising a junction box attached to the bottom member so as to be disposed beneath a raised floor.
4. **(Original)** The remote distribution cabinet of claim 1 further comprising at least one access panel covering the plurality of circuit breakers.
5. **(Original)** The remote distribution cabinet of claim 4 wherein the access panel allows visual inspection of the circuit breakers without opening the access panel.
6. **(Original)** The remote distribution cabinet of claim 4 wherein said access panel is adjustable to allow for a shift in the position of the circuit breakers within the panelboard.
7. **(Original)** The remote distribution cabinet of claim 1 comprising at least two panelboards wherein one or more panelboards are arranged to receive power from different sources.
8. **(Original)** The remote distribution cabinet of claim 7 further comprising a tie-breaker for providing power from one of a plurality of sources to one or more panelboards.

9. **(Original)** The remote distribution cabinet of claim 1 further comprising a tie-breaker for providing power from one of a plurality of sources to one or more panelboards.
10. **(Original)** The remote distribution cabinet of claim 1 further comprising a current monitoring unit arranged to measure the current of each panelboard.
11. **(Original)** The remote distribution cabinet of claim 1 further comprising at least one main circuit breaker for each panelboard.
12. **(Previously Presented)** The remote distribution cabinet of claim 1 further comprising an access panel separately covering each of the at least one panelboards, wherein when the access panel is removed, service can be performed on the at least one panelboard without exposing other energized components of the remote distribution cabinet.
13. **(Original)** The remote distribution cabinet of claim 12 wherein the access panel allows visual inspection and operation of the panelboard circuit breakers without opening the access panel.
14. **(Original)** A remote distribution cabinet comprising:  
at least one panelboard;  
a means for incorporating said panelboard into a frame structure for the remote distribution cabinet.
15. **(Original)** The remote distribution cabinet of claim 14 the means for incorporating said panelboard into the frame structure includes a bottom member sized to allow the remote distribution cabinet to fit within a raised floor tile space.
16. **(Original)** The remote distribution cabinet of claim 15 further comprising a junction box attached to the bottom member so as to be disposed beneath a raised floor.

17. **(Original)** The remote distribution cabinet of claim 14 wherein the panelboard comprises a plurality of circuit breakers and the remote distribution cabinet further comprises at least one access panel covering the plurality of circuit breakers.
18. **(Original)** The remote distribution cabinet of claim 17 wherein the access panel allows visual inspection of the circuit breakers without opening the access panel.
19. **(Original)** The remote distribution cabinet of claim 17 wherein said access panel is adjustable to allow for a shift in the position of the circuit breakers within the panelboard.
20. **(Currently Amended)** The remote distribution cabinet of claim ~~[[1]]~~ 14 comprising at least two panelboards wherein one or more panelboards are arranged to receive power from different sources.
21. **(Original)** The remote distribution cabinet of claim 20 further comprising a tie-breaker for providing power from one of a plurality of sources to one or more panelboards.

## **II. RESPONSE TO OFFICE ACTION**

Claims 1–21 are pending. Claim 20 has been amended herein.

The Office Action rejected claims 1–21. Reconsideration of the claims in light of above amendment and the following remarks is respectfully requested.

### **A. CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1, 4, 6–12, 14, 17 and 19–21 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,480,568 to Garvin (“Garvin”). Applicants respectfully traverse. An anticipation rejection under 35 U.S.C. § 102(b) requires that the reference teach every element of the claim. *See* MPEP § 2131 (2001).

For example, claim 1 requires a plurality of structural members attached to the panelboard to form the frame structure that includes the panelboard. The Examiner contends that Garvin discloses “a plurality of structural members (see figure 2) attached to the panelboard (column 5 lines 28–65), thereby forming a frame structure (see figure 2) including the panelboard (see figure 46) [sic].” *See* Office Action, p. 2. However, Garvin does not disclose or suggest a plurality of structural members attached to the panelboard to form the frame structure that includes the panelboard. Rather, the frame structure (22) in Garvin is a separate structure formed solely by the rails shown in Figure 1. *See also* Garvin col. 4, l. 15 through col. 5, l. 66. Moreover, the panels (46 and 47) disclosed in Garvin are independent of the frame structure (22), as illustrated in Figures 2 and 7 of Garvin. Thus, for at least this reason, claim 1 is allowable over Garvin. Because claims 4 and 6–12 all ultimately depend from claim 1, they are also allowable for at least this reason.

Similarly, claim 14 requires a means for incorporating a panelboard into a frame structure for the remote distribution cabinet. As previously mentioned, the frame structure (22) in Garvin is a separate structure formed solely by the rails shown in Figure 1. *See also* Garvin col. 4, l. 15 through col. 5, l. 66. Moreover, the panels (46 and 47) disclosed in Garvin are independent of the frame structure (22), as illustrated in Figures 2 and 7 of Garvin. Thus, claim 14 is also allowable over Garvin. Because claims 17 and 19–21 all ultimately depend from claim 14, they are also allowable for at least this reason.

## B. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 5, 13 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Garvin in view of U.S. Patent No. 5,202,538 to Skirpan ("Skirpan"). As previously mentioned, independent claims 1 and 14 are believed to be allowable. Because dependent claims 5, 13, and 18 all ultimately depend from either claim 1 or claim 14, they are also allowable for at least this reason.

Claims 2 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Garvin in view of U.S. Patent No. 4,296,574 to Stephens ("Stephens"). As previously mentioned, independent claims 1 and 14 are believed to be allowable. Because claims 2 and 15 depend from claims 1 and 14, respectively, these claims are also allowable.

Furthermore, establishment of a *prima facie* case of obviousness requires 1) that there be some suggestion or motivation to modify the reference or to combine reference teachings; 2) that there be some reasonable expectation of success; and 3) that references individually or in combination teach or suggest all the claim limitations. Moreover, it is well settled that "[c]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight." See *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Further, the showing of a suggestion or motivation to combine the references "must be clear and particular." *Id.* "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" *Id.*

In regards to claims 5, 13 and 18, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness, and therefore, the rejection is improper. Claims 5, 13 and 18 all require that the access panel allow for *visual inspection of the circuit breakers* without opening the access panel (emphasis added). The Examiner stated, "Skirpan teaches a remote distribution cabinet (10) having an access panel (251) that allows visual inspection of *some electrical components* inside the cabinet without opening the access panel" (column 13 line 16-25). See Office Action, pg. 6 (emphasis added). Skirpan has circuit breakers mounted above the transparent cover 251. The transparent cover 251 in Skirpan covers and allows a worker to view the lugged cables 300, busses 110, 156 and ground connection 160. See Skirpan, Figure 9 and col. 13, ll. 23-25. Nothing in either Skirpan or Garvin suggests or

discloses that the transparent cover could be used to cover the circuit breakers. Moreover, it is well accepted that in determining obviousness of a claim, even if a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." *In re Mills*, 916 F.2d 680, 682, 16 U.S.P.Q. 2d 1430, 1432 (Fed. Cir. 1990), *see also* MPEP § 2143.01 (2001). It appears that the Examiner has simply made broad conclusory statements that lack any factual basis. As previously discussed, these broad conclusory statements are not evidence of a suggestion or motivation to combine the references.

The Applicants respectfully submit that the Examiner has failed to give a motivation or suggestion to modify Skirpan or to combine the references' teachings to include the Applicants' claim limitations. Moreover, neither Skirpan nor Garvin individually or in combination teach or suggest each limitation of Applicants' claims. Thus, for at least any one of these reasons, claims 5, 13 and 18 are believed to be allowable.

Claim 2 depends upon claim 1 and, thus, incorporates each limitation of claim 1. As discussed above, Garvin does not disclose or suggest a plurality of structural members attached to the panelboard to form the frame structure that includes the panelboard. Neither does Stephens disclose, teach or suggest this limitation. Thus, reconsideration and withdrawal of the § 103(a) rejection is, therefore, requested.

Claim 15 depends upon claim 14 and, thus, incorporates each limitation of claim 14 including a means for incorporating a panelboard into a frame structure. As discussed above, Garvin does not disclose or suggest this limitation but instead discloses a frame structure separate from the panels. Neither does Stephens disclose, teach or suggest this limitation. Thus, reconsideration and withdrawal of the § 103(a) rejection is, therefore, requested.

### **C. ALLOWABLE SUBJECT MATTER**

The Examiner indicated that claims 3 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner's acknowledgement of allowable subject matter is appreciated. However, the Examiner objected to claims 3 and 16 as being dependent upon the rejected base claims. Claim 3 ultimately depends from claim 1, and claim 16 ultimately depends from claim 14. Both claims 1

and 14 are allowable for the reasons set forth above. Thus, claims 3 and 16 are also in condition for allowance as presented.

**D. CONCLUSION**

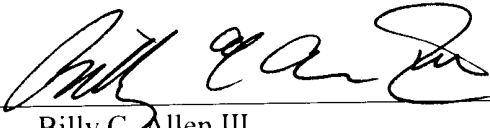
Based on the foregoing, Applicants contend that claims 1-21 are allowable.

The undersigned representative authorizes the Commissioner to charge any fees that may be required or credit any overpayment to Deposit Account No. 01-2508, referencing Order No. 11564.0050.NPUS01.

To facilitate the resolution of any issues or questions presented by this paper, Applicants authorize the Examiner to directly contact the undersigned by telephone.

To promote the prosecution of this application, Applicants also authorize the Examiner to contact the undersigned attorney by electronic mail. Please address all e-mail to: [allenb@howrey.com](mailto:allenb@howrey.com).

Respectfully submitted,

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